



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,402	11/22/2000	Glenn F. Evans	MS1-688US	2724
22801	7590	03/24/2008		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2165	
			MAIL DATE	DELIVERY MODE
			03/24/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/721,402

Applicant(s)

EVANS ET AL.

Examiner

Vincent F. Boccia

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amend & Resp of 12/26/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2165.

Response to Arguments

1. Applicant's arguments filed 12/26/2007 have been fully considered but they are not persuasive.

{A} In re pages 11-13, applicant states, the office's prima facie of obviousness fails to teach, or suggest all claimed features, "notifying the player application, by returning a cancelled request command message for all commands canceled by the multimedia content or by use action".

In response as previously applied the limitations are not clearly pointed out or addressed, as the limitations are now introduced.

After a careful consideration, Hurtado does further teach, cols. 54-56, "user interface provides an option enabling the operator to specify whether the product can be released for processing or whether it are held pending further information entry", therefore there does exist user control of jobs, wherein the user can hold jobs pending information entry, also col. 52, since indicates status of, "unsuccessful", reads on the step of informing of a canceling of a job in view of FAILURE, the

message reads on notifying status that a job failed or cancelled.

Upon a FAILURE at that point or stage of processing the processing flow is effectively cancelled and would require re-queuing of that stage of the job, till accomplished without failure.

Informing of failure of a job the job can be said to have been cancelled based on the status of failure of the job in view of lack of information or other, as is obvious upon a failure to cancel a job or the job has been cancelled in view of the status, such as when the reason for failure such as lack of information exists that stage in view of the failure is effectively cancelled based on the job request made, as taught by Hurtado.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time

Art Unit: 2165

any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 3-5, 7-8 and 12-14, 15-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbell et al. (US 5,966,121) in view of Hurtado et al. (US 6,611,812).

Regarding claim 1 Hubbell discloses and meets the limitations associated an apparatus comprising:

- a memory (Fig. 4 a PC with RAM, also see Fig. 9, "buffers and 301-303", col. 17, line 29-, col. 19, line 1-, col. 24-, line 33-)
- medium (Fig. 4 a, 140, "mass storage device")
- a multimedia navigator program (Fig. 4 c, Fig. 4 B, 152, of the PC & system Fig. 4 a, 130, Figs. 5-8, Fig. 16-17, col. 4, lines 30- & col. 16, line 20- etc....., represents navigation software part of the software package);
- a control and information application programming interface or APIs (as analyzed above & col. 28, line 42-, API, also col. 27, line 4-, col. 26, line 20-52), wherein the control and information APIs being configured to respond to flags that are selectively determined it at least one operation will be conducted,
- the operation being selected from a group of operations that include;
 - o a player navigation synchronization operation (playback operations table 3, col. 3, line 11-, Fig. 4 b, 152, "playback controls", Fig. 8, PLAY/STOP, Fig. 9, audio and Video),
 - o a selective interactive operation (col. 14, table 4, "CLICKABLE 1= YES 0 = NO", for example etc...) and
 - o a read/write register operation (see marks & other flags, col. 14, tables 3-4), the player-navigator synchronization performs synchronizing steps that

cause a multimedia player application to output a request command (play, stop and many others commands for playback, synchronization and related to navigation, thru the multimedia audio and video material) to the navigator program and a multimedia content navigator to subsequently return attributes such as, event IDs and status results to the player application upon, commencement, completion or cancellation of the requested command (marks are generated upon play and stop, cols. 13-14).

Further see editing software, col. 2, line 65 to col. 3, line 36 & col. 4, lines 33 to col. 6 and col. 26, col. 28, lines 35-55) to output a request command to the navigator program (Fig. 16) causing the navigator program to subsequently return an event identifier and status result to the player application upon commencement, completion or cancellation (Fig. 4 B, col. 13-14) of the requested command (Fig. 17, Fig. 1 and Fig. 4 C), wherein the request command and the event ID (user interaction with API GUI interface) are both communicated via at least one API (Figs. 5, 6, 7, 8, GUI API, met by play/stop navigator button/controls, also other controls, such as pause and other, col. 13 for example operatively associated with the navigator program (such as Fig. 16, playing and navigating the multimedia data on the hard disk, play and other commands, control), further the limitation of responding to at least a flag, selectively set by the player application to ID that the event will be

returned upon completion of a command (col. 12, lines 34-48 and/or Fig. 17, and/or cols. 13-14, especially Table 4, cols. 15-18, many flags are set by the software and user which determines various functionality with respect to user interactions and functions and controls) and "the navigator generates an object that can be used to track", met by playback of the multimedia data by tracking the video (controls Fig. 4 b and system Fig. 9, "301 frame counter", even Fig. 10, Fig. 11, such as playback "step 436" and tracking steps 420-450, tracking) and further meets the limitation of COM objects (met by various reusable software modules, for example see areas col. 26, lines 44 to col. 31, especially col. 27, "OLE", etc.....), thereby track and identify command processes and current status, also see Fig. 25, CRecTracker, col. 12, lines 34-47 and a flag set at the start of the requested command (play generates a mark, Figs. 16-17, col. 10, table 1).

Regarding claim 1, Hubbell et al. fails to particularly disclose:

O an event ID notifying the player when the requested command (based on a JOB request) when the requested command is completed and a status result of succeeded or failed command corresponding to a JOB request, *such that the multimedia*

Art Unit: 2165

player application is able to track the event identifier to the requested command output by the player application facilitating multiple instance tracking and notifying the player application by returning a cancel request command message from the multimedia navigator program of every request command that is cancelled by the multimedia content or by the user.

Hurtado teaches at col. 52, lines 40-, having APIs which process tools called to or handling processing calls or requested commands to:

- retrieve the next job process (each are identified by some sort of Unit);
- indicate **successful** completion of a process (succeeded **status of the jobs**);
- indicate **unsuccessful** completion or {failed **status of the jobs**}; and
- interim status (during, while doing the jobs); and
- jobs in a queue, col. 53;

o notifying the player application, by returning a cancelled request command message for all commands canceled by the multimedia content or by use action.

Hurtado does further teach user control of job processing, cols. 54-56, "user interface provides an option enabling the operator to specify whether the product can be released for processing or whether it are held pending further information entry", therefore there does exist user control of jobs, wherein the user can hold jobs pending information entry, also col. 52,

since indicates status of, "unsuccessful", reads on the step of informing of a canceling of a job in view of FAILURE, the message reads on notifying status that a job failed or cancelled.

Upon a FAILURE at that point or stage of processing the processing flow is effectively cancelled and would require re-queuing of that stage of the job, till accomplished without failure.

Informing of failure of a job the job can be said to have been cancelled based on the status of failure of the job in view of lack of information or other, as is obvious upon a failure to cancel a job or the job has been cancelled in view of the status, such as when the reason for failure such as lack of information exists that stage in view of the failure is effectively cancelled based on the job request.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Hubbell by incorporating status results including status of successful completion or failed status, even interim and having multiple jobs in a queue and to upon a failure to and also that either upon a failure jobs are effectively cancelled by the handler of the job in view of the failed upon "unsuccessful completion of a process through such as lack of information, jobs can be held by

a user and also effectively cancelled till further information is provided, as taught by Hurtado, in order to manage processing flow of player operations of Hubbell.

Claims 3-5 and 7-8, 12-16 are analyzed and discussed with respect to the claims above.

3. Claims 6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbell et al. (US 5,966,121) in view of Kim et al. (US 5,933,394).

Regarding claims 6 and 9-10, Hubbell discloses multimedia medium, such as a hard drive (col. 11, but, fails to wherein the multimedia information includes a DVD formatted content, having precise playback information.

Kim teaches, a DVD (Figs. 1-2, systems with disk, a DVD, col. 1), having DVD formatted content (Fig. 3) and a navigator 204, which enables extraction of cell information (col. 4) and precise playback information as all formatted DVD content comprises (Fig. 3) and provides information for the beginning and end VTS and cell position information, as taught by Kim.

Kim discloses Titles (cols. 2), fails to particularly mention start and end times associated with the titles.

The examiner takes official notice that Titles having precise playback information, such as beginning and end time information for multimedia data, such as video-audio, is well management information, used a table of contents and to keep track of what is recorded for playback and identifying lengths, the management information useful in playback and editing, as is well known.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Hubbell by incorporating a DVD with DVD formatted content, with precise playback management information such as start and end time, and player apparatus to the computer system, thereby allowing for marking of multimedia from a DVD formatted content, as DVD formatted content is becoming a predominant standard in the world, as taught by Kim and also to utilize precise playback information such as start and end times to ID what is recorded and used on playback as well as other advantages as stated above, as is obvious to those skilled in the art.

Regarding claim 20, since Hubbell discloses marks are stored in a hard disk of the computer it is deemed that the bookmarked points or information would be available in view of the hard disk after player applications have been shutdown or restarted.

Alternatively the examiner takes official notice that it is known and obvious to store bookmarks for later use after system shut down by storing in long term memory, therefore, it would have been obvious to store made bookmarks in long term storage such as a hard drive for later use, as is known and obvious in when book-marking multimedia.

Allowable Subject Matter

2. Claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 2165

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday thru Friday between (7:30 am to 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner, Boccio, Vincent
3/28/2008

/Vincent F. Boccio/
Primary Examiner, Art Unit 2165